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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/597,445    06/20/00    CHU

Z    1616-238

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PM82/1222

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EXAMINER

LAFF WHITESEL & SARET LTD  
401 NORTH MICHIGAN AVENUE  
SUITE 1700  
CHICAGO IL 60611

BAREFIELD, A

ART UNIT

PAPER NUMBER

3636

DATE MAILED:

12/22/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/597,445

Applicant(s)

Zooley Chu

Examiner

Anthony Barfield

Group Art Unit

3636



☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-13 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-9 and 11-13 is/are rejected.

☒ Claim(s) 10 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

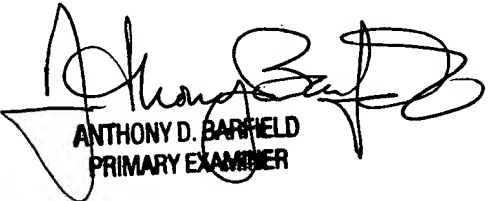
2. Claims 1-7, 11-13 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Mattison. Mattison shows the use of vertical extending members (43,44,45) that are located on a support (shell) and which are inherently flexible as the back support conforms to the back of the user.
3. Claims 1-2, 9, and 11-13 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Marks et al. Marks et al shows the use of vertical extending members (42,44) that are located on a support and which are inherently flexible as the back support conforms to the back of the user.
4. Claims 1-5, 7-8 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Morgenstern et al. Morganstern et al shows the use of vertical extending members (16), that are located on a support (shell) and which are inherently flexible as the back support conforms to the back of the user (see Figure 10).

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***Allowable Subject Matter***

5. Claims 10 is objected to as being dependent upon a rejected base claim, but would be allowable over the prior art made of record if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony D. Barfield whose telephone number is (703) 308-2158.



ANTHONY D. BARFIELD  
PRIMARY EXAMINER

adb

December 18, 2000